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IN THE UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

(1) Brett D. Leavey,
Plaintiff,

vs.

(2) UNUM/Provident Corporation, a foreign
corporation, and(3) Provident Life and
Accident Insurance Company, a foreign
corporation,
Defendants.

Case No. CIV-02-2281 PHX SMM

PLAINTIFF'S MOTION FOR
ATTORNEYS' FEES AND RELATED
NON-TAXABLE EXPENSES

As a result of the Judgment entered on October 13, 2005, plaintiff respectfully requests this Court to grant him a portion of his attorneys' fees and related non-taxable expenses incurred in successfully bringing this action against Provident Life and Accident Insurance Company and UNUMProvident Corporation. Dr. Leavey petitions this Court for an award of fees and related non-taxable expenses in the amount of approximately \$1,000,000.00.

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Plaintiff's request for attorneys' fees and related non-taxable expenses is made pursuant to A.R.S. § 12-341.01 and Civ.R. 54(d)(2), and is supported by the Memorandum of Points and Authorities which will be filed on or before December 9, 2005.

Respectfully submitted this 24th day of October, 2005.

DAWSON & ROSENTHAL, P.C.
and
GREGG H. TEMPLE, P.C.

By s/Steve Dawson
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I hereby certify that on October 24, 2005, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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